

CIVIL RIGHTS COMPLAINT  
42 U.S.C. § 1983

ORIGINAL

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

13-CV-5074(RRM)(LB)

Troy English  
Full name of plaintiff/prisoner ID#

"NOTICE OF MOTION: TO AMEND COMPLAINT"

Plaintiff,

JURY DEMAND  
YES ☒ NO ☐

-against-  
Eugene Rios  
P.O. Azzaubi, P.O. Estrella, E.  
Sgt. Adam, D. Sgt. Muller  
Enter full names of defendants  
[Make sure those listed above are  
identical to those listed in Part III.]

Defendants.

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.  
★ OCT 21 2013 ★  
BROOKLYN OFFICE

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No ( )
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs:

N/A

Defendants:

N/A

2. Court (if federal court, name the district;  
if state court, name the county)

N/A

3. Docket Number:

N/A

4. Name of the Judge to whom case was assigned: \_\_\_\_\_

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)  
\_\_\_\_\_

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

II. Place of Present Confinement: Anna M. Krass Center (C-95)

A. Is there a prisoner grievance procedure in this institution? Yes (☒) No ( )

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes ( ) No ( )

C. If your answer is YES,

1. What steps did you take? NONE Grievable

2. What was the result? N/A

D. If your answer is NO, explain why not this is a NONE  
grievable issue for prison

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes (☒) No ( )

F. If your answer is YES,

1. What steps did you take? I tried to speak  
with the supervising officer and  
explain my situation

2. What was the result? I was told to remain  
Silent.

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Troy English 1411306086  
Address 1818 Hazen ST. East Elmhurst, N.Y. 11370

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

Po. Azcazubi (17865)  
78 Pct. 65 6th Avenue  
Brooklyn, N.Y. 11215

Defendant No. 2

P.O. Estrella Edward  
78 Pct. 65 6th Avenue  
Brooklyn, N.Y. 11215

Defendant No. 3

Sgt. Adam Donna  
78 Pct. 65 6th Avenue  
Brooklyn, N.Y. 11215

Defendant No. 4

Sgt Muller  
78 Pct 65 6th Avenue  
Brooklyn, N.Y. 11215

Defendant No. 5

Eugene Rios  
139 Flatbush Avenue  
Brooklyn, N.Y. 11215

→ Please see  
attachment  
statement  
store -

[Make sure that the defendants listed above are identical to those listed in the caption on page 1]. Managers.

## IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

139 Flatbush Ave. May, 18-2013 at approximately  
Time 21:00 hours Saturday I was in Flatbush -  
Mall Shopping, I was stopped by this Po. Azcazubi  
(17865) came up to me asking "Did you just  
leave Victoria Secret (store) AND when I  
turn my head back to him to answer his  
question, I was continuously sprayed in the  
face with Mace and/or pepper spray into the  
claimant's eyes which then threw to the ground  
and that's when I hit my head  $\frac{1}{2}$  back on the  
ground. Then other officers came running saying  
what happen and that's when they pick me up  
and carry me inside of the Victoria Secret. Then the  
Ambulance Had came and taken to the Hospital.

IV.A If you are claiming injuries as a result of the events you are complaining about,  
describe your injuries and state what medical treatment you required. Was  
medical treatment received?

Claimant Troy English seeks to recover money damages  
for False Arrest, False imprisonment, Excessive Force,  
Harassment, Assault, Battery, Malicious Prosecution, Denial  
of Right to a Fair Trial and, Personal Injuries; Violation of  
Civil Right under section 1983 of the United States code  
and more particularly under the 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup>  
Amendments of the United States constitution and  
parallel provisions of the New York State constitution  
and other related damages incurred, which exceed the

Jurisdictional limits of all lower courts herein together with Claimant. Troy English sustained severe head and back pain personal injuries, the full extent of which is not presently known, including but limited to, upon information and belief, injuries to both eyes, head and back. Claim is for personal injuries, hospital, physician and other medical expenses, pain and suffering, loss of quality and/or enjoyment of life, and all other damages to which claimant is entitled to by case law and statute.

The undersigned claimant therefore presents this claim for adjustment and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: 1818 Hazen ST. Also Please  
August, 29-2013 See attachments

12/23: 711: In cage to 175  
 - North Hill Ave. #6: 10-12  
 2240: In cage by 25 pet.  
 Paid Detail. Escorted FBI  
 to Litch w/ Pkg. Troy, England  
 8225: Pkg. Litch, Bus# 3634.  
 Unit 3223: Arr. 6/9/92  
 DP 301 Reg. Engd. 14y. Released  
 then Litch. Negative eye infection.  
 Transfer to S&H  
 01001: Bk @ S/H stopped arrest  
 Ellis = Escorted to and online  
 Papawawa started  
 020: Paatched 6/9 and online  
 Signed by Sgt Adams, D/O  
 0201 Online accept w/ D-2  
 Complaint started  
 0222: Complaint # 2012-4-0016 (1  
 received  
 0236: Arrived 10/12/92 5:26 PM - J  
 transferred  
 0252: 7AT investigation signed  
 by D/O Sgt Adams  
 0265: Suspending Dogs filed w/

Criminal Court of the City of New York

Part APAR County of Kings

THE PEOPLE OF THE STATE OF NEW YORK

V.

TROY ENGLISH

State of New York

County of Kings

Defendant

Police Officer Julie Lockett of the Kings County District Attorney's Office says that on or about May 18, 2013 at approximately 9:00 PM at 139 FLATBUSH AVENUE, County of Kings, State of New York, the defendant committed the offenses of:

PL 155.25 PETIT LARCENY(DOO)  
PL 165.40 CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIFTH DEGREE

in that the defendant did:

STEAL PROPERTY; KNOWINGLY POSSESS STOLEN PROPERTY WITH THE INTENT TO BENEFIT HIMSELF OR A PERSON OTHER THAN AN OWNER THEREOF OR TO IMPEDE THE RECOVERY BY AN OWNER THEREOF.

The source of deponent's information and the ground for deponent's belief are as follows:

The deponent is informed by the sworn statement of Eugene Rios, manager, Victoria's Secret Inc., at the above time and place, the informant observed the defendant take 6 Pink sweat pants and leave the store in possession of the above-mentioned property without paying for it, place the above mentioned property inside defts bag.

The deponent is informed by the sworn statement of informant that informant is the custodian of the above-described property, and defendant did not have permission or authority to take, use, possess or attempt to take, use or possess that property.

False statement made in this document are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law.

May 19 2013

CPL-216

Printed: 07/01/13 14:22

213940704 Arrested 05/18/13 12:07



V. Relief:

State what relief you are seeking if you prevail on your complaint.

Punative Damages in the amount of \$42,000  
For Duress, Pain and Suffering. As well  
as mental anguish. Compensation damages  
in the amount of \$52,000, For loss of  
Wages, payment of hospital Due bills,  
Medications, Duress, pain and Suffering,  
as well as physical injuries.

I declare under penalty of perjury that on 8-29-2013, I delivered this  
(Date)  
complaint to prison authorities to be mailed to the United States District Court for the Eastern  
District of New York.

Signed this 29<sup>th</sup> day of August, 2013. I declare under penalty of  
perjury that the foregoing is true and correct.

Tray English  
Signature of Plaintiff

A.M.K.C. C-95  
Name of Prison Facility

1818 Hazen St.  
East Elmhurst  
N.Y. 11370  
Address

1411306086  
Prisoner ID#



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Troy English

Plaintiff,

Affirmation of Service

-against-  
Eugene Rios  
P.O. Azcazubi (17865)  
P.O. ESTRELLA EDWARD  
Sgt. Adam Donna  
Sgt. Muller  
Defendant.

\_\_\_\_ CV \_\_\_\_ ( )

I, Troy English, declare under penalty of perjury that I have  
served a copy of the attached 42 U.S.C. 1983 Civil Rights Complaint  
upon City of New York, Eugene Rios, P.O. Azcazubi, P.O. Estrella, E.  
Sgt. Adam Donna, Sgt. Muller.  
whose address is: 78 Pct. 65 6th Avenue Brooklyn, N.Y. 11215 and  
Where it happen are: 139 Flatbush Avenue Brooklyn, N.Y. 11215

Dated: 8-29-2013  
\_\_\_\_\_, New York

Troy English A.M.K.C.(C-95)  
Signature

1818 HAZEN ST.  
Address

East Elmhurst, N.Y. 11370  
City, State, Zip Code